

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HORACE CLAIBORNE, et al., on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

FEDEX GROUND PACKAGE SYSTEM, INC.,

Defendant.

No. 2:18-cv-01698-RJC

PLAINTIFFS' MOTION FOR DECERTIFICATION

As discussed at the status conference with the Court on April 2, 2024, Plaintiffs hereby move for decertification of the conditional collective in this case, which was conditionally certified on September 30, 2019, and ask that the Court dismiss without prejudice all opt-ins in the case remaining as of today. The named Plaintiffs' claims will remain pending before this Court.¹ The parties have agreed to continued tolling through August 6, 2024, for opt-ins to pursue their claims. A proposed order is attached.

While Plaintiffs believe that continued certification is appropriate, they recognize that the Court in the similar case of *Roy v. FedEx Ground*, 2024 WL 1346999 (D. Mass. Mar. 29, 2024), recently ordered decertification of a similar collective. Thus, in order to avoid additional significant expense for the parties and time the Court in briefing and deciding decertification if FedEx Ground were to proceed with filing a decertification motion, Plaintiffs move for

¹ The remaining named plaintiffs (whose claims will not be dismissed, as FedEx Ground has agreed) are: Horace Claiborne, Sonjia Bowlin, Tyshawn Walker, Willie Seals, Frederick Eppich, Jerome Schoolfield, Kristina Travis, Jeremy Winkels, Arthur Foster III, Ernesto Diaz, Gerald Gensoli, and Thomas Deppiesse.

decertification so that opt-ins can pursue their claims if they so choose, but not as part of a collective action.

Neither Plaintiffs' counsel nor Plaintiffs are obtaining any payment from FedEx Ground in exchange for seeking decertification, and no claims are being settled.

Based on the above, Plaintiffs respectfully request that the Court grant their request to decertify the conditional collective, dismiss all remaining opt-ins from this case without prejudice, and grant continued tolling through August 6, 2024, for those individuals to pursue their claims.

Dated: April 30, 2024

Respectfully submitted,

/s/ Shannon Liss-Riordan
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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2024, I caused a true and correct copy of the foregoing to be filed with the Court's CM/ECF system, which constitutes service on Defendant, whose counsel are registered participants on that system.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan